

**BUREAU OF AUTOMOTIVE REPAIR**  
**CAP APPLICATION AND STAR PROGRAM MODIFICATIONS**

TITLE 16, CALIFORNIA CODE OF REGULATIONS, SECTIONS 3340.15, AND 3394.6

Pursuant to Title 1, Division 1, Chapter 1, Article 2, section 100(b)(3), of the California Code of Regulations, the Bureau of Automotive Repair (BAR), Department of Consumer Affairs (DCA), hereby submits this written statement explaining why the amendment of section 3394.6 of Article 11 of Chapter 1, Division 33, Title 16, California Code of Regulations<sup>1</sup> (CCR), specifically, the Consumer Assistance Program (CAP) application which is incorporated into regulation by reference does not materially alter any requirement, right, responsibility, condition, prescription or other regulatory element of any CCR provision.

BAR is the state agency charged with the administration and implementation of the Smog Check Program (Program). The Program is designed to reduce emissions from mobile sources, such as passenger vehicles and trucks by requiring these vehicles meet inspection requirements including specific tailpipe emissions standards.

Following is a description of the changes being made to the CCR and an explanation of why this change has no regulatory effect.

- I. To help meet air quality standards established by the United States Environmental Protection Agency (USEPA), BAR operates the Vehicle Retirement (VR) and Repair Assistance (RA) program as required by Health and Safety Code sections 44062.1 and 44062.3. These programs provide consumers a financial incentive to permanently retire a vehicle from operation or state-subsidized emissions-related repairs to help income-eligible consumers comply with the Smog Check Program.

BAR wishes to modify its regulations with a Section 100 Change Without Regulatory Effect. The proposed changes will occur to the CAP application, which is incorporated by reference in CCR section 3394.6 and will include the removal of the income eligibility table and redundant eligibility requirements that are already contained in CCR sections 3394.4, 3394.5, and 3394.6.

The proposed changes will have the following benefits:

- a. Improves Consumer Clarity and Removes Conflicts with Federal Regulations.

At present, a consumer may be misled by the CAP application income eligibility table as it takes BAR a minimum of three months to incorporate revisions to the federal poverty level (FPL) into the application through a Section 100 process.

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<sup>1</sup> All references made hereafter to the California Code of Regulations apply to Title 16, Division 33, Chapter 1, unless otherwise specified.

Removing the table will remove administrative burdens and allow income eligibility to be automatically adjusted based on modifications to the FPL pursuant to section 3394.4. Additionally, these changes ensure that BAR's regulations do not conflict with the United States Department of Health and Human Services (HHS) regulations.

At present, the CAP application is four pages in length. BAR has determined that the information contained in the CAP application is overwhelming and is not easily understood by consumers. As a result, a large portion of the CAP applications submitted to BAR are deficient and require additional staff time to request clarifying information from the consumer. This can significantly delay the processing of CAP applications and cause some participants vehicle registration to become delinquent. This occurs when a Smog Check inspection is required to fulfill the registration renewal process. Thus, consumers are placed in a difficult position – drive the vehicle without registration or stop driving the vehicle and arrange for an alternative mode of transportation. Streamlining the application and ensuring that all of the information being requested is uniform will expedite processing times and reduce the amount of time spent corresponding back and forth with consumers.

b. Reduces Administrative Costs.

Eliminating the income eligibility table and other redundant eligibility criteria will allow BAR to shorten the length of the application from four pages down to one page. Ultimately, this will help reduce the number of future updates to the CAP application. These items will reduce printing costs by an estimated 75 percent.

- II. BAR seeks to renumber multiple subsections in section 3340.15 to correct an inadvertent error that was caused during the License Restructure regulation package. This non-substantive change will renumber subsections (d) to (c), (e) to (d), (f) to (e), (g) to (f), (h) to (g), and (i) to (h).

The changes being proposed do not materially alter any requirement, right, responsibility, condition, prescription, or other regulatory element of any CCR provision.